

REMARKS

This Amendment is intended to fully respond to the final Office Action dated March 3, 2003. In that Office Action, claims 1-21 were examined; claims 1-21 were rejected under 35 U.S.C. §102(e) as anticipated by United States Patent Number 6,366,930 to Parker et al.

Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Claims 1-3, and 5-21 are currently pending.

Summary of Final Office Action

In the Final Office Action, the Examiner finally rejected all of the claims of the present application in view of U.S. Patent No. 6,366,930 to Parker et al (hereinafter "Parker") under 35 U.S.C. 102(e). The rejection was substantially the same as the rejection in the First Office Action mailed October 23, 2002 despite Applicant's Amendment and Response filed January 22, 2003. In essence, the Examiner was not persuaded by the Applicant's response filed on January 22, 2003 outlining the inapplicability of Parker. More specifically, although the Applicant clearly demonstrated that Parker does not disclose, either explicitly or implicitly, all of the elements of the present claims, the Examiner maintained the same rejection.

Summary Examiner Interviews 5/13/03, 5/14/03 and 5/15/03

In response to the final Office Action, the undersigned requested, by letter dated May 7, 2003, an interview with the Examiner to discuss the rejection based on Parker, and in particular the rejection of claim 1. A telephonic interview was held on May 13, 2003 between the undersigned and Examiners Nguyen and Metjahic of the U.S. Patent and Trademark Office. Follow-up interviews were had on May 14 and May 15, 2003. The following summary is provided to make the substance of the interviews part of the record under 37 C.F.R. 1.133(b).

During the interview on May 13, 2003, the undersigned first provided a brief description of the claimed invention of the present application. Next, the undersigned provided an analysis of the claims and the differences between the claims and Parker. In particular, the differences between a unique "signature" of Parker and a "version-specific attribute" of the present application were explained. The reasons for reconsideration (and ultimately for allowance of the

claims) that were provided were the same as those provided in the response to the first Office Action. Also, in order to better understand the Examiners' position, the undersigned requested clarification as to how the passages cited against the claim elements disclosed those claim elements.

Following the discussion, Examiner Metjahic stated that he agreed that the passages cited did not show all the elements claimed in some of the dependent claims. He specifically did not, however, agree at that time that the unique signature of Parker was completely different from the version-specific attribute. Consequently, as the claims stood, he was not yet convinced that the independent claims were patentable over Parker. Instead of discussing the independent claims further, Examiner Metjahic favored terminating the interview so that he and Examiner Nguyen could have an opportunity to re-evaluate Parker in light of the discussion to determine whether the rejection should be maintained and in the event the rejection was to be maintained, to provide better explanation as to why the prior art discloses the claim elements.

The next day, May 14, 2003, Examiner Nguyen called the undersigned to discuss the results of the re-evaluation. In this brief conversation, Parker was not discussed. Instead, Ms. Nguyen identified a new reference, USPN 5,892,904 to Atkinson and stated that this reference disclosed the claimed elements. No specifics were provided as to how and/or why the reference disclosed the claim elements. Ms. Nguyen did state however, that claim 4 appeared to be patentable. Given that the reference had not been cited before, another interview was scheduled for the next day, May 15, 2003 to give the undersigned an opportunity to download and review the new reference in light of the present invention.

During the May 15 interview, the differences between the claims (1-21) and Atkinson were discussed. That is, the Applicant's position is that Atkinson does not show or describe, explicitly or inherently, a version-specific attribute as defined by the present application. Before much discussion on the substance of the issues, Examiner Nguyen expressed doubt as to the patentability of the independent claims in light of the new reference but reaffirmed the subject matter of claim 4 was patentable. She therefore requested that the independent claims be amended to include this subject matter to advance this application to allowance. The interview

was quickly terminated with the understanding that the independent claims would have to be amended to include the subject matter of claim 4 to advance the application towards allowance.

Claim Amendments

Based on the foregoing, all independent claims (1, 10, 13 and 17) of the present application have been amended to incorporate the subject matter of original, dependent claim 4. It is believed that this amendment puts all the claims in condition for allowance.

Conclusion

As originally filed, the present application included 21 claims, 4 of which were independent. As amended, the present application includes 20 claims, 4 of which are independent. Accordingly, it is believed that no other fees are due with this Amendment and Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: _____

5/30/03



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